

On page 23, between lines 7 and 8, insert the following:

(5) CONDITIONS OF RECEIPT.—

(A) REQUIRED AGREEMENT.—A covered entity to which the Secretary of Commerce awards Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) or paragraph (3) of this subsection with amounts appropriated under this subsection shall enter into an agreement that specifies that, during the 5-year period immediately following the award of the Federal financial assistance—

(i) the covered entity will not—

(I) repurchase an equity security that is listed on a national securities exchange of the covered entity or any parent company of the covered entity, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

(II) outsource or offshore jobs to a location outside of the United States;

(III) pay any officer or employee a salary in an amount that is greater than 50 times the median salary of employees during the period lasting one year after the end of the calendar quarter in which the Federal financial assistance is awarded;

(IV) abrogate existing collective bargaining agreements;

(V) consider any individual performing a service for the covered entity as an independent contractor, unless—

(aa) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of service and in fact;

(bb) the service is performed outside the usual course of the business of the covered entity; and

(cc) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed; or

(VI) outsource labor for the covered entity to an independent contractor; and

(ii) the covered entity will—

(I) require any contractor or subcontractor for any construction project funded by the Federal financial assistance to enter into a pre-hire collective bargaining agreement or a project labor agreement; and

(II) remain neutral in any union organizing effort.

(B) FINANCIAL PROTECTION OF GOVERNMENT.—The Secretary of Commerce may not award Federal financial assistance to a covered entity under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) or paragraph (3) of this subsection with amounts appropriated under this subsection, unless—

(i)(I) the covered entity has issued securities that are traded on a national securities exchange; and

(II) the Secretary of the Treasury receives a warrant or equity interest in the covered business; or

(ii) in the case of any covered entity other than a covered entity described in clause (i), the Secretary of the Treasury receives, in the discretion of the Secretary of the Treasury—

(I) a warrant or equity interest in the covered entity; or

(II) a senior debt instrument issued by the covered entity.

(C) DEFINITIONS.—In this paragraph:

(i) COVERED PROJECT LABOR AGREEMENT.—The term “covered project labor agreement” means a project labor agreement that—

(I) binds all contractors and subcontractors on a construction project through the

inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(II) allows all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise a party to a collective bargaining agreement;

(III) contains guarantees against strikes, lockouts, and other similar job disruptions;

(IV) sets forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the covered project labor agreement; and

(V) provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(ii) PROJECT LABOR AGREEMENT.—The term “project labor agreement” means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is described in section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

SA 1874. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3002, insert the following:

(29) Whereas PRC is an authoritarian government that does not democratically elect its president, the United States held its most secure election in history in November 2020 electing Joe Biden as President by a majority of both popular vote and the electoral college.

SA 1875. Ms. CORTEZ MASTO (for Mr. KING) proposed an amendment to the resolution S. Res. 194, celebrating the 149th anniversary of Arbor Day; as follows:

In the preamble, strike the tenth whereas clause and insert “Whereas sustainably grown wood can be used in a wide variety of resilient infrastructure and building applications—from traditional timber framing to high-tech mass timber—and as a natural, renewable, and biodegradable material, the significant use of wood building materials in buildings and bridges helps decrease global carbon emissions;”.

SA 1876. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 3002 through 3004 and insert the following:

SEC. 3003. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) CCP.—The term “CCP” means the Chinese Communist Party.

(3) INDO-PACIFIC REGION.—The terms “Indo-Pacific” and “Indo-Pacific region” mean the 37 countries and the surrounding waterways that are under the area of responsibility of the U.S. Indo-Pacific Command. These countries are: Australia, Bangladesh, Bhutan, Brunei, Burma, Cambodia, China, Fiji, India, Indonesia, Japan, Kiribati, Laos, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Nauru, Nepal, New Zealand, North Korea, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Taiwan, Thailand, Timor-Leste, Tonga, Tuvalu, Vanuatu, and Vietnam.

(4) PEOPLE’S LIBERATION ARMY; PLA.—The terms “People’s Liberation Army” and “PLA” mean the armed forces of the People’s Republic of China.

(5) PRC; CHINA.—The terms “PRC” and “China” mean the People’s Republic of China.

SA 1877. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division C, add the following:

SEC. 3117. PROHIBITION ON RESTRICTIONS ON POWER-GENERATION PROJECTS BY UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION IN CERTAIN COUNTRIES.

Section 1451 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9671) is amended by adding at the end the following:

“(j) PROHIBITION ON RESTRICTIONS ON POWER-GENERATION PROJECTS IN CERTAIN COUNTRIES.—

“(1) PROHIBITION ON CERTAIN RESTRICTIONS ON POWER-GENERATION PROJECTS.—The Corporation shall not implement or enforce any rule, regulation, policy, procedure, or guideline that would prohibit or restrict the source of energy used by a power-generation project the purpose of which is to provide affordable electricity in an IDA-eligible country or an IDA-blend country.

“(2) LIMITATION ON BOARD.—The Board of the Corporation shall not, whether directly or through authority delegated by the Board, reject a power-generation project in an IDA-eligible country or an IDA-blend country based on the source of energy used by the project.

“(3) ALL-OF-THE-ABOVE ENERGY DEVELOPMENT STRATEGY.—The Corporation shall promote a technology- and fuel-neutral, all-of-the-above energy development strategy for IDA-eligible countries and an IDA-blend

countries that includes the use of oil, natural gas, coal, hydroelectric, wind, solar, and geothermal power and other sources of energy.

“(4) DEFINITIONS.—In this subsection:

“(A) IDA-ELIGIBLE COUNTRY.—The term ‘IDA-eligible country’ means a country eligible for support from the International Development Association and not the International Bank for Reconstruction and Development.

“(B) IDA-BLEND COUNTRY.—The term ‘IDA-blend country’ means a country eligible for support from both the International Development Association and the International Bank for Reconstruction and Development.”.

SA 1878. Mr. MERKLEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. AUTHORIZATION OF APPROPRIATIONS RELATING TO PREVENTING IMPORTATION OF GOODS MADE WITH FORCED LABOR.

There is authorized to be appropriated \$25,000,000 for each of fiscal years 2022 through 2026 for the Office of Trade of U.S. Customs and Border Protection for activities to strengthen enforcement actions and processes that prevent the importation of goods made with forced labor.

SA 1879. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2510(a)(1)(A)(i) of division B, insert “(or, in the case of multi-sourced products, countries of origin)” after “origin of the product”.

In section 2510(a) of division B, insert the following at the end:

(4) OBLIGATION TO PROVIDE.—A manufacturer, distributor, seller, or private labeler seeking to have a product introduced, sold, advertised, or offered for sale in commerce shall provide the information identified in subparagraphs (A) and (B) of paragraph (1) to the relevant retailer or internet website marketplace.

(5) SAFE HARBOR.—A retailer or internet website marketplace satisfies the disclosure requirements under subparagraphs (A) and (B) of paragraph (1) by disclosing the country of origin and seller information provided by a manufacturer, distributor, seller, or private labeler of the product. If the retailer or

internet website marketplace determines or has a reasonable basis to conclude that the information provided by a manufacturer, distributor, seller, or private labeler to the retailer or internet website marketplace for a product is false or deceptive, the retailer or internet website marketplace shall not be required to disclose such false or deceptive information and shall be deemed to meet the disclosure requirements under such subparagraphs (A) and (B) for that product.

In section 2510(b)(1) of division B, insert “and except as provided for in paragraph (2),” after “provision of law,”.

In section 2510(b) of division B, insert the following at the end:

(3) LIMITATION OF LIABILITY.—A retailer or internet website marketplace is not in violation of this section or section 5 of the Federal Trade Commission Act (15 U.S.C. 45) if a manufacturer, importer, distributor, or private labeler provided the retailer or internet website marketplace with a false or deceptive representation as to the country of origin of a product or its parts or processing.

In section 2510(d) of division B, strike “the date of enactment of this division” and insert “the date of the publication of the agreement under subsection (c)(3)(B)”.

SA 1880. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 4115(b)(2)(A), insert “, without regard to the origin of the raw material inputs, including stone, sand, and gravel” after “occurs in the United States”.

SA 1881. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, on line 20, insert “Appointment as a program director under this section shall be voluntary, and the Director is not authorized to remove a program director during their appointed term unless for cause.” after “tor.”

Beginning on page 113, strike line 24 and all that follows through line 3 on page 115 and insert the following:

(3) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3304(b), and 3328 of that title, a qualified candidate described in

subparagraph (B) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(B) FELLOWSHIP OR TEMPORARY ROTATIONAL POSTING.—Subparagraph (A) applies with respect to a former recipient of an award under this subsection who—

(i) earned a doctoral degree in a STEM field from an institution of higher education; and

(ii) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(C) LIMITATION.—The direct hire authority under this paragraph shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(D) NUMBER.—The number of employees appointed and retained by the Federal Government under this paragraph shall not exceed 10 at any time.

Strike section 2204 and insert the following:

SEC. 2204. PERSONNEL MANAGEMENT AUTHORITIES FOR THE FOUNDATION.

(a) STUDY.—Not later than 30 days after the date of enactment of this division, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(1) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology and Innovation;

(2) evaluate and make recommendations to ensure coordination of the Directorate for Technology and Innovation with other directorates and offices of the Foundation and other Federal agencies; and

(3) make recommendations for the management of the Foundation’s business and personnel practices, including implementation of the new hiring authorities and program director authorities provided in section 2103.

(b) REVIEW.—Upon completion of the study under paragraph (1), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

Strike section 2665 and insert the following:

SEC. 2665. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term “covered provisions” means the provisions of title 5, United States Code, other than—

- (1) section 2301 of that title;
- (2) section 2302 of that title;
- (3) chapter 33 of that title;
- (4) chapter 71 of that title;
- (5) chapter 72 of that title; and
- (6) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.